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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,252	04/14/2006	Jinsuck Lee	Q94479	3629
23373	7590	06/30/2008	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			SHEDRICK, CHARLES TERRELL	
ART UNIT	PAPER NUMBER		2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,252	<b>Applicant(s)</b> LEE, JINSOCK
	<b>Examiner</b> CHARLES SHEDRICK	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08e)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gruhl et al. US Patent Pub. No.: 2002/0004379 A1, "Gruhl"

Consider **claims 1, 8, and 13**, Gruhl teaches a system, method and means for efficient uplink signaling to support closed loop capacity scheduling between a base station and a mobile station both of which carry out a plurality of data flows different in priority and QoS from one another (e.g., see **paragraph 0006**), the mobile station assigning an uplink capacity for the data flows in accordance with the steps of: preparing combinations of capacities concerned with combinations of the data flows(e.g., **preparing bandwidth or QoS requirements**)(see at least **paragraph 0006, 0046-0054**); modifying the combinations of the capacities into modified combinations of capacities(e.g., **dynamic or adaptive QoS**)(e.g., see **paragraph 0045**); and determining the uplink capacity on the basis of the modified combinations of capacities(e.g., **the policier and other flags can interact an alter the offered load and determined also based on the user specify the amount of degradation which will be tolerated** )(e.g., see **0045-0054 and 0057**).

Consider **claims 2 and 9 and as applied to claims 1 and 8**, Gruhl teaches wherein the modifying step comprises the steps of: dividing the flows with reference to the priority and QoS

into a plurality of groups(e.g., voice, video, data or other varying traffic classes noted in table 1); and individually pointing the plurality of groups by sub pointers to obtain the modified combinations of capacities (e.g., each data flow of multiple data flows can be handle separately)(see at least paragraph 0047).

Consider **claims 3 and 10 and as applied to claims 2 and 9**, Gruhl teaches wherein the dividing step is divided into a first group of a high priority and a second group of a low priority (e.g., level of service)(paragraph 0052).

Consider **claims 4 and 11 and as applied to claims 3 and 10**, Gruhl teaches wherein the steps further comprises the step of: transmitting the representatives of the sub pointers by arranging them within a capacity request frame (e.g., the connection request)(see paragraph 0048).

Consider **claim 5 and as applied to claim 4**, Gruhl teaches wherein the transmitting step comprises the step of: periodically arranging the representatives of the sub pointers within the capacity request frame (e.g., the flows are monitored by a policer)(see paragraphs 0096-0097).

Consider **claim 6 and as applied to claim 5** Gruhl teaches wherein the transmitting step comprises the step of: a periodically arranging flow identifiers together with the representatives of the sub pointers within the capacity request frame (e.g., the policer is part of the connection request)(paragraph 0063).

Consider **claims 7 and 12 and as applied to claims 2 and 9**, Gruhl teaches the claimed invention further comprising the step of changing values indicated by the sub pointers based on capacity assignment information of which the base station informs the mobile station(e.g.,

**adaptive as noted in at least col. 0045).**

Consider **claim 14 and as applied to claim 13**, Gruhl teaches wherein the capacity request message frame includes two different choices of frames (e.g., see **paragraph 0051**).

Consider **claim 15**, Gruhl teaches in claim 13 or 14, the base station comprising: forming means, responsive to the capacity request message, for forming a capacity assignment message including capacity assignment of the data flows; and transmitting means for transmitting the capacity assignment message to the mobile station (e.g., the QoS Mgmt structure can be located in the MT in BS or in Both)(see **paragraph 0066**).

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harper Paul can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/  
Examiner, Art Unit 2617  
June 20, 2008